



## Town Council Agenda Report

**SUBJECT:** QUASI-JUDICIAL - VARIANCE

**TITLE OF AGENDA ITEM:**

V 8-1-99 - "Regency Square Office Buildings" Charles Putman, petitioner / Culverhouse Investment Properties, owner - 15400 SW 50th Street, generally located on the south side of Griffin Road between Interstate I-75 and SW 148 Avenue, within the Regency Park master plan.

**REPORT IN BRIEF:**

The petitioner is requesting relief from the Town's parking requirement for office buildings from 610 parking spaces to 510 parking spaces. The petitioner plans to develop two separate office buildings totaling 124,000 square feet. The subject property originally fell within the municipal boundaries of Broward County where it was zoned P.U.D (County) and platted in August of 1980. In February 1986, this property was annexed by the Town of Davie. The annexation agreement provided that the Town of Davie Code (Old Code) would be substituted for the Broward County Code when reviewing all site plans for this P.U.D.

The petitioner states they have provided concessions in design of the buildings to limit the impact to the surrounding area, which limits their ability to provide 100% of the required parking. For example, they have limited the height of both buildings to two-stories and provided additional landscaping. Town Code would allow for additional height to the buildings, up to 50 feet, which if utilized would provide additional area for parking. The petitioner also states, the P.U.D zoning district was designed to provide flexibility in development of such districts, and since the current Town Code does not have P.U.D. regulations, that the Town should consider the use of the County P.U.D. requirements. Broward County P.U.D. regulations require 1 parking space for each 250 square feet of gross area, where Town Code requires 1/200. The request complies with the County requirement of 1/250. Staff does not find there are any special circumstances which apply to this site which do not apply to other properties within the same zoning district, and can be considered self-created.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:**

The Planning and Zoning Board voted 5-0 to table this item, from the September 8, 1999 meeting to the September 22, 1999 meeting.

At the September 22, 1999 meeting, the Board recommended approval (3-2, Mr. Greb and Mr. Kuvlin dissenting), subject to the amended application to include 1) voluntarily restricting the use of the property to office use only, and 2) limiting the height of each building to 3-stories maximum.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION(S):**

Motion to deny the requested variance to reduce the number of required parking spaces from 610 to 510, with a finding that the request is inconsistent with the variance review criteria of Section 12-309 of the Code and may be considered a self-created hardship.

**Attachment(s):** Planning Report, Variance Application, Land Use Map, Subject Site Map, and Aerial.

TOWN OF DAVIE  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
PLANNING REPORT

**SUBJECT:** Variance V 8-1-99

**APPLICANT:** Charles Putman, petitioner / Culverhouse Investment Properties, owner.

**ADDRESS/LOCATION:** General Address: 15400 SW 50th Street/Generally located on the south side of Griffin Road between Interstate I-75 and SW 148 Avenue, within the Regency Park master plan.

**LAND USE PLAN/ZONING:** Commercial / P.U.D. (County)

**REQUEST:** From Section 20-50.2(18) (Old Code), which requires one parking space for every two hundred (200) square feet of gross area;  
To: Reduce the required parking spaces from 610 spaces to 510 spaces.

**EXHIBITS TO BE INCLUDED:** Variance application, subject site map, planning report, and aerial.

**DESCRIPTION:** The subject site area contains 14.023 acres within the Regency Park Master Plan, also known as Ivanhoe. This property is bound on the north by T, Transportation (I-75), and Griffin Road, on the west by I-75, on the east by an approximate 784,080 square foot lake within the same P.U.D. (County) Regency Park Master Plan, and on the south by an existing residential community also within the same P.U.D. (County) zoning.

This property was originally zoned from A-1 to a Planned Unit Development (PUD) by the Broward County Board of County Commissioners on August 15, 1980, (Broward County Ordinance 80-76). In February of 1986, the property was annexed into the Town of Davie upon certain terms and conditions. These conditions included that the Code of Davie shall be substituted for the Broward County Code, Broward Code, or Section 39-67 of the Broward County Code of Ordinances. Since 1986, the Town Code has been revised which removed the P.U.D. ordinance from the Code. However, staff is utilizing the Old Town Code P.U.D standards for review of this development as permitted under the annexation agreement. Please note, both the old code and the new code require 1/200 for parking.

**REQUEST:**

The petitioner is requesting use of the Broward County P.U.D., parking ratio of 1/250 for the proposed office. In fact, the petitioner exceeds the County parking ratio providing a proposed parking ratio of 1/240. In an effort to provide a development in scale with the surrounding area and to protect against any negative visual impact to the existing residential development to the south, the petitioner has agreed to limit the buildings to three stories each, or 30 feet in height. The Old Town Code used for review of this development allows for up to 50 feet in height for each building. Thus, the petitioner states the height of the buildings could be

increased to provide for a first floor parking area and meet Town Code. This property has direct frontage on I-75 so the additional height would be characteristic of other office building located off Interstate Highways. However, the petitioner believes the three story buildings are more compatible with the area.

The petitioner also states, the Town of Davie's parking requirement for office buildings is excessive in comparison to other municipalities within Broward County. The petitioner has provided parking code requirements for various other municipalities within Broward County (Boca, Coconut Creek, Ft. Lauderdale, Delray Beach, and Pembroke Pines), which indicate a standard parking ratio between 1/250 and 1/300 for office buildings. Therefore, the petitioner states, this request would be consistent with the original P.U.D requirements under Broward County and the standard parking requirements for municipalities throughout Broward County.

**ANALYSIS:**

Staff does not find there are any special circumstances which apply to the land for which the variance is sought, such that the strict application of the provisions of the code would deprive the applicant of the ability to use the property. Staff has previously indicated to the Planning and Zoning Board and Town Council that the Town's parking ordinance may be inconsistent with current parking standards throughout Broward County. Accordingly, staff intends to present a parking code amendment to the Town Council, within the next few months, which will reduce the parking requirements for office buildings. The petitioner has been made aware of the proposed amendment to the current parking ordinance and has informed staff they wish to pursue a variance request.

**RECOMMENDATION:** Therefore, the Planning and Zoning Division recommends **DENIAL** of the requested variance to reduce the number of required parking spaces from 610 to 510, with a finding that the request is inconsistent with the variance criteria of Section 12-309 of the Code and may be considered a self-created hardship.

**PLANNING AND ZONING BOARD RECOMMENDATION:** At the September 22, 1999, Planning and Zoning Board meeting, the Board recommended **APPROVAL** (3-2, Mr. Greb and Mr. Kuvin dissenting), subject to the amended application to include 1) voluntarily restricting the use of the property to office use only, and 2) limiting the height of each office building to 3-stories maximum.

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

**TOWN OF DAVIE  
CODE OF ORDINANCES  
(EXCERPT)**

**Section 12-309. Review for variances.**

**Whether or not:**

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;**
- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;**
- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

LAND USE DESIGNATION: COMMERCIAL

FOLIO NUMBER 0028-01-002

RECEIPT NO. 7696

TOWN OF DAVIE  
VARIANCE APPLICATION

INFORMATION MUST BE TYPED AND NOTARIZED)

Make Checks payable to TOWN OF DAVIE

DATE FILED: August 4, 1999

PHONE: (561) 994-6411

PETITIONER: CHARLES PUTMAN & ASSOCIATES

MAILING ADDRESS: 4722 NW BOCA RATON BLVD., SUITE C-106, BOCA RATON, FL 33431

RELATIONSHIP TO PROPERTY: AGENT

OWNER: CULVERHOUSE INVESTMENT PROPERTIES, LTD.

MAILING ADDRESS: 8588 POTTER PARK DRIVE, SUITE 500, SARASOTA, FL 34328

ADDRESS OF PROPERTY: ~~4801-4991 148th AVE.~~ 15400 SW 50th ST. JAB  
DAVIE, FL 33330

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

SEE ENCLOSURES

ACREAGE: 14.0123 ACRES

REQUEST: PARKING VARIANCE

REASON FOR REQUEST: (attach additional sheet as necessary)

SEE ENCLOSURES

\*\*\* PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN \*\*\*

OFFICE USE ONLY

APPROVED AS TO FORM: *Jat*

PUBLICATION DATE:

MEETING DATE: PLANNING AND ZONING BOARD: 9/8/99

TOWN COUNCIL: 9/15/99

NOTICES SENT: 48

REPLIES:

FOR:

AGAINST:

UNDELIVERABLE:

OWNER'S NAME(S)

PETITIONER'S NAME

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

PETITIONER'S SIGNATURE

ADDRESS

4722 N.W. 8002 RADN, BLVD  
ADDRESS Suite C-106

CITY, STATE, ZIP

Boca Raton, FL 33431  
CITY, STATE, ZIP

PHONE

(561) 994-6411  
PHONE

The foregoing instrument was acknowledged before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by  
\_\_\_\_\_ who is personally  
known to me or who has produced \_\_\_\_\_

The foregoing instrument was acknowledged before me  
this 12th day of AUGUST, 199, by  
CHARLES PUTMAN who is personally  
known to me or who has produced FLORIDA  
DRIVER'S LICENSE

as identification and who did take an oath.

as identification and who did take an oath.

NOTARY PUBLIC:

NOTARY PUBLIC:

Sign: \_\_\_\_\_

Sign: Victoria A. Hewett

Print: \_\_\_\_\_

Print: VICTORIA A. HEWETT

My Commission Expires:

My Commission Expires:

*see following  
white sheet*

2-1-02



OFFICE USE ONLY

Culverhouse Investment Properties

OWNER'S NAME(S) By: HFC, General Partner, Inc., a Florida corporation General Partner, By: Eugene F. Cassidy ltd.

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN) EUGENE F. CASSIDY, Vice President  
PALMER RANCH DEVELOPMENT  
8588 Potter Park Drive, Suite 500

ADDRESS

SARASOTA, FLORIDA 34238

CITY, STATE, ZIP

(941) 922-0759

PHONE

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of June, 1999, by Eugene F. Cassidy who is personally known to me or who has produced

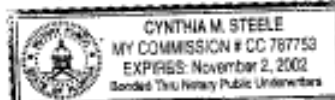
as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Cynthia M. Steele

Print:

My Commission Expires:



Charles Putman

PETITIONER'S NAME

Charles Putman  
PETITIONER'S SIGNATURE

4722 N.W. Boca Raton Blvd.  
ADDRESS Suite C-106

Boca Raton FL 33431  
CITY, STATE, ZIP

(561) 994-6411  
PHONE

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of December, 1998, by Charles Putman who is personally known to me or who has produced Florida Drivers License

as identification and who did take an oath.

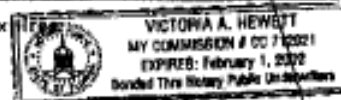
NOTARY PUBLIC:

Sign: Victoria A. Hewett

Print: VICTORIA A. HEWETT

My Commission Expires:

2-1-2002



OFFICE USE ONLY

# CHARLES PUTMAN & ASSOCIATES, INC.

LAND DEVELOPMENT CONSULTANTS  
PLANNING | ZONING | PERMITTING

Boca Raton 1 (561) 994-6411  
Fax 1 (561) 994-0447

## JUSTIFICATION STATEMENT REGENCY PARK - TRACT "B" PARKING VARIANCE

RECEIVED  
AUG 13 1999

August 4, 1999

TOWN OF DAVIE  
PLANNING & ZONING DEPARTMENT

### I. OVERVIEW:

Southeast Centers of Coral Gables, Florida is the original developer and current owner of the Regency Square Shopping Center located on I-75 at Griffin Road. They have recently contracted to purchase an adjacent 14 acre commercial tract to create an expanded mixed use center to be known as Regency Park. The completed project will contain a full range of uses to include a 120 unit hotel, two mid-rise office buildings, and a restaurant, to complement the existing uses in the shopping center. Copies of the proposed Regency Park Master Plan are transmitted as part of this overall variance request.

The entire 39.49 acres of the proposed Regency Park project are currently zoned Commercial PUD. The zoning was actually created while the land was in the County and became part of the Town of Davie when annexed in 1986. An unusual aspect of the PUD designation is that Davie does not currently have its own PUD zoning district. Thus, there is no direct equivalent district established within the Davie codes.

The petitioner is asking that he be allowed to use the parking ratio of 1/250 for his proposed office use which is the ratio currently within the County PUD zoning district. The strict application of the Davie code would require a ratio of 1/200.

PUD zoning districts typically allow project planners to vary from established land development regulations as part of the flexibility inherent in the PUD concept. In that this land is still zoned PUD, and given that the parking ratio for offices in this current zoning is 1/250, it may be possible to use that PUD flexibility to accomplish the proposed change providing the Town of Davie agrees that it is appropriate. The applicant is pursuing that option. However, in discussions with Davie Staff it was felt that this proposed change is likely to require approval of a variance and they have advised the petitioner to make this formal submission.

### II. PLANNING CONSIDERATIONS RELATING TO THE VARIANCE:

Although the property is appropriately land used and zoned for the uses being proposed, there are a number of planning considerations that have dictated the design that is reflected in our project. For instance:

- The site has direct frontage on I-75 and therefore is an appropriate location for office/hotel or related uses. In fact, the overall mix of uses in the plan were selected based on this locational factor.

4722 N.W. Boca Raton Boulevard | Suite C106 | Boca Raton, Florida 33431



**JUSTIFICATION STATEMENT  
PARKING VARIANCE  
REGENCY PARK - TRACT "B"**

August 4, 1999  
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- While the I-75 exposure and proximity to the existing shopping center would dictate a high intensity of use, the neighboring use to the east of the site is medium density residential development. Land use compatibility criteria dictates a less intensive use adjacent to these areas than along the I-75 corridor.
- There is a large lake area that separates the commercial tract from the adjacent residential and acts as an effective and sufficient buffer. Still, the applicant felt that it was appropriate to locate uses in this area of the site which would be compatible with these neighboring residences, and that would be a transitional use between these residences and the more intensive highway related uses. At the urging of staff, it was agreed that we would locate our proposed office uses in this area of the site and that we would limit the height of these office buildings to three (3) story.

By substantially increasing the height of the buildings (which frankly would be justified by the I-75 exposure) it is likely that the proposed office development could achieve the Davie parking criteria of one space for each 200 square feet. This ratio could also be achieved by constructing a parking garage.

It is the applicant's understanding that both an increased height and a parking garage would be acceptable alternatives under the existing zoning guidelines. However, as the project planners, we feel that the three (3) story elevation will create an appropriate scale for the development and serve as an effective buffer. We do not perceive that the ratio of one (1) space for each 250 square feet of office is inappropriate for a general office project. It is on this basis that the developer is requesting the approval of a variance to allow this office project to proceed utilizing a parking ratio of one (1) space for every 250 square feet rather than the Town's criteria of 1/200.

### **III. JUSTIFICATION:**

With the above overview in mind, the applicant feels that the approval of the variance request is justified for the following reasons:

- **Sufficient Parking:** It is the experience of the developer that a parking ratio of 1/250 (one for each 250 square feet) is sufficient to support the needs of a general office project. Not only are many similar projects constructed at this or lower ratios, many communities have opted to have special standards for office use rather than to use the commercial scale rate of 1/200 for office development as well. For example, these are some of the parking ratios for nearby municipalities:

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**CHARLES PUTMAN & ASSOCIATES**

PLANNERS I LAND DEVELOPMENT CONSULTANTS  
Boca Raton, Florida I (407) 994-6411

**JUSTIFICATION STATEMENT  
PARKING VARIANCE  
REGENCY PARK - TRACT "B"**

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<b>MUNICIPALITY CODE</b>	<b>PARKING RATIO</b>	<b>LAND USE</b>
City of Boca Raton	1/300	Office Development
Broward County	1/250	Office Development
Coconut Creek	1/300	Business Offices
Ft. Lauderdale	1/250	Professional Office
Delray Beach	1/250	Business/Professional
Dade County	1/300	Office/Professional
Pembroke Pines	1/250	Office/Professional

- ***Design Consistency:*** The overall size and design of the spaces within the project as well as the landscaping provided are all compliant with the Davie standards. In fact, the specific site plan for the office buildings (copy enclosed) contains generous landscaping within the parking lot along the lake area, and within the median of the access road. At Staff's request, we have staggered the landscaping islands in the parking lot to provide a more interesting design.
- ***Existing PUD Zoning:*** Although the subject site is in the Town of Davie, the PUD Zoning currently applicable on the property derives from a 1986 annexation from unincorporated Broward County. The PUD classification continues because Davie does not have a comparable district. The parking standard for this site if the land were still in the County would be 1/250.

**IV. JUSTIFICATION CRITERIA & RESPONSES:**

- A. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self created by any person having an interest in the property.

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**CHARLES PUTMAN & ASSOCIATES**  
PLANNERS I LAND DEVELOPMENT CONSULTANTS  
Boca Raton, Florida 1 (407) 994-6411

**JUSTIFICATION STATEMENT  
PARKING VARIANCE  
REGENCY PARK - TRACT "B"**

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*As indicated above, the subject property has a unique location abutting both I-75 and residential. The proposed project has attempted to deal with planning issues relating to that site geography by keeping the height of the office building lower to provide a better buffer to the residential community. A strict application of the Town of Davie code would require that either a parking garage be constructed to support the desired square footage or the footprint of the building be reduced by increasing the height. Since the land is zoned PUD and there is no comparable PUD district in Davie, approving the variance would not create a precedent for other properties. Not approving the variance, however, would cause the applicant to re-design his project in such a way that would be less desirable for the neighbors.*

- B. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

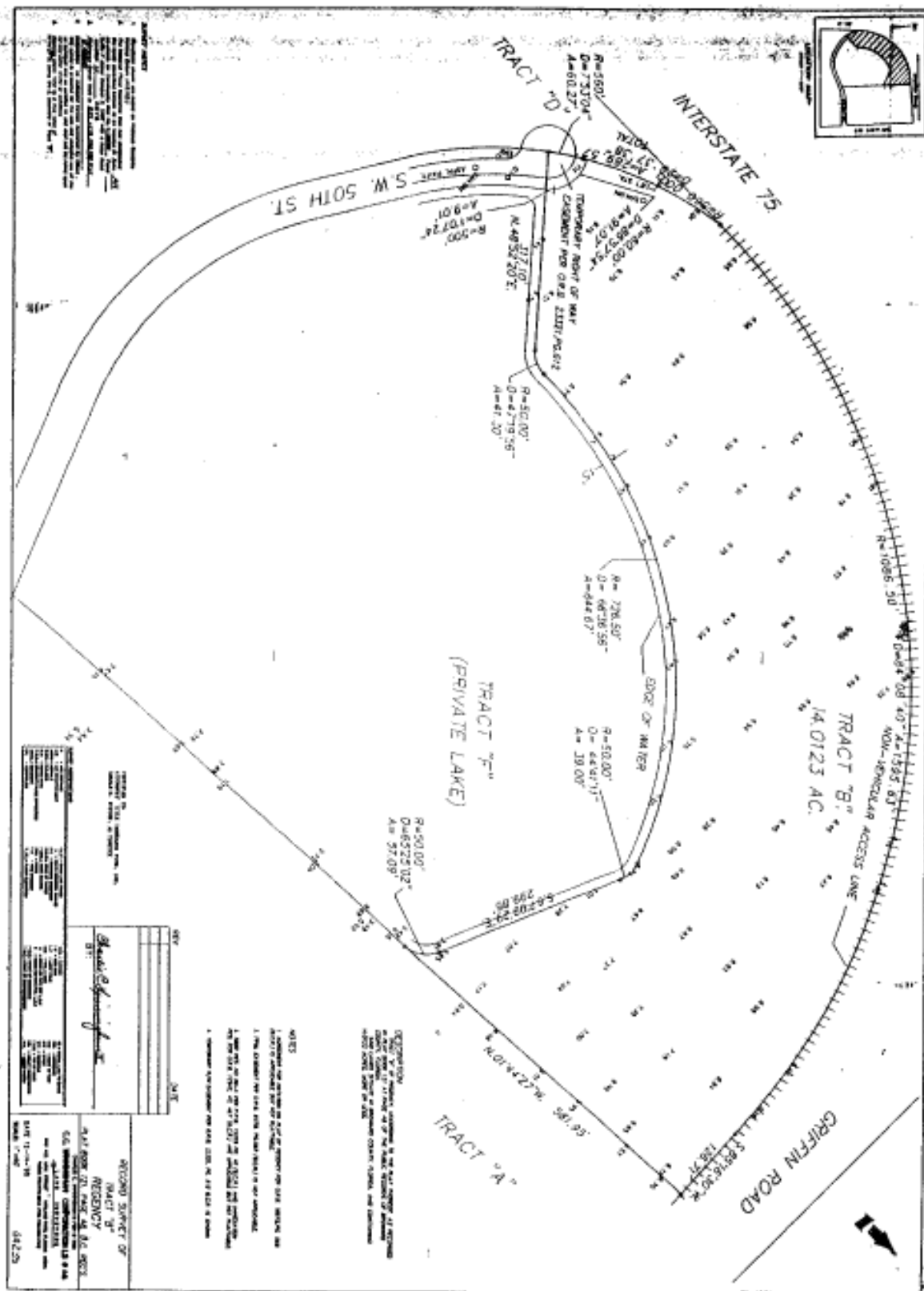
*The granting of the variance is necessary to allow the proposed plan to be constructed and is the minimum code modification that will allow the project to be built as currently designed.*

- C. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

*As indicated earlier, one of the primary impacts of the variance approval will be to eliminate negative impacts on surrounding properties.*

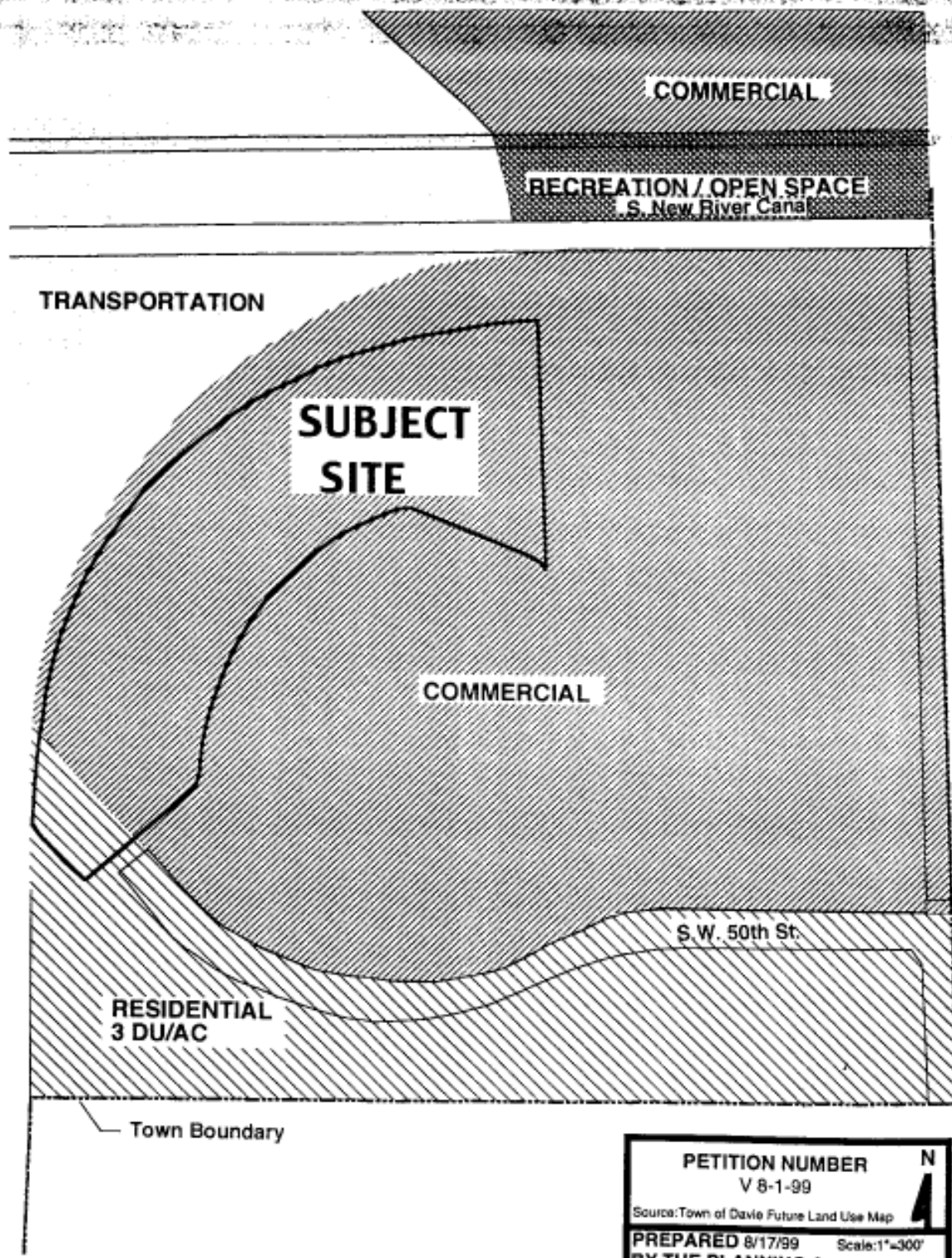
**V. CONCLUSION:**

The applicant feels that the plan being presented is a workable compromise for his project, the Town of Davie and the neighboring property owners, and that the approval of the requested parking variance would be justified.









**PETITION NUMBER**  
V 8-1-99

Source: Town of Davis Future Land Use Map

**PREPARED 8/17/99**      Scale: 1"=300'

**BY THE PLANNING & ZONING DIVISION**

**N**

# A-1

Griffin Rd.

S.W. 148th Ave.

Regency (124-13)

Lake

**P.U.D.  
(COUNTY)**

S.W. 50th St.

282

33

**PETITION NUMBER**

**N**

V 8-1-99

**PREPARED 8/17/99  
BY THE PLANNING &  
ZONING DIVISION**

Scale: 1"= 300'



